

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PAMELA BUTLER, et al.,)
)
Plaintiffs,) No. 4:18-cv-01701-AGF
v.) Lead Case
)
MALLINCKRODT, INC., et al.)
)
Defendants.)

DEFENDANT MALLINCKRODT LLC'S MOTION FOR SUMMARY JUDGMENT

Defendant Mallinckrodt, LLC (“Mallinckrodt”), pursuant to Fed. R. Civ. P. 56 and E.D.Mo. L.R. 4.01(A) files this Motion for Summary Judgment and respectfully requests the Court grant summary judgment in favor Mallinckrodt and against Plaintiffs on the single count they assert against Mallinckrodt—the “public liability action” under the Price-Anderson Act (the “PAA”).

To prevail on a PAA claim, a plaintiff must establish that: (1) the defendant breached the levels permitted by the federal regulations in effect at the time of the conduct (i.e., a breach of the federal standard of care); (2) the plaintiff was exposed to this radiation; (3) the plaintiff has injuries; and (4) radiation was the cause of plaintiff’s injuries. As part of element two, exposure, plaintiffs must show “they have been exposed to a greater extent than anyone else, i.e., that their exposure levels exceed the normal background level.” *Id.*

Plaintiffs have not, and cannot, meet their burden to establish that (1) Mallinckrodt breached any applicable federal regulations; (2) Plaintiffs were exposed to radiation, nor in an amount greater than anyone else; or (4) radiation from Mallinckrodt’s operations caused their respective diseases. Summary judgment is proper.

In support of its Motion, Mallinckrodt incorporates its Memorandum in Support of Its Motion for Summary Judgment and its Statement of Uncontroverted Material Facts filed contemporaneously with this Motion and incorporated herein by reference.

WHEREFORE, for the foregoing reasons, Mallinckrodt moves the Court to enter summary judgment in favor of Mallinckrodt.

Dated: May 6, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of May, 2022, I served the above to the following counsel of record via the Court's electronic filing system.

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